

Reply to Advisory Action Before the Filing of an Appeal Brief on June 26, 2006

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claim 1(currently amended): A novel amorphous form of 1-amino-3,5-dimethyltricyclo[3.3.1,1^{3,7}]decane hydrochloride (memantine hydrochloride).

Claim 2 (currently amended): The amorphous form of memantine hydrochloride according to claim 1, characterized by ~~an~~ wherein the X-ray powder diffraction pattern substantially in accordance with Figure 1lacks any discernible peaks.

Claim 3 (original): The amorphous form of memantine hydrochloride according to claim 1 containing less than about 10% crystalline memantine hydrochloride.

Claim 4 (currently amended): The amorphous form of memantine hydrochloride according to claim 1 containing essentially free of crystalline memantine hydrochloride.

Claim 5 (currently amended): A process for preparing amorphous form of memantine hydrochloride of claim 1, comprising the steps of dissolving memantine hydrochloride in a solvent water or aqueous alcohol solvent to form a solution, and removing the solvent by lyophilization from the solution to afford amorphous form of memantine hydrochloride of claim 1.

Claim 6 (cancelled):

Claim 7 (cancelled):

Claim 8 (currently amended): The process of claim 7 claim 5 wherein the aqueous alcohol solvent is a mixture of water and methanol or water and ethanol.

Claim 9 (currently amended): The process of claim 6-claim 20 wherein the alcoholic solvent is a C₁-C₄ alcohol the straight or branched chain C₁-C₄ alcohol.

Claim 10 (cancelled):

Claim 11 (cancelled):

Claim 12 (cancelled):

Claim 13 (currently amended): The process of ~~claim 12~~ claim 9 wherein the C₁-C₄ alcohol is selected from methanol, ethanol, n-propanol, isopropanol, branched-chain butanols or their mixtures thereof methanol or ethanol.

Claim 14 (currently amended): The process of ~~claim 10~~ claim 20 wherein the distillation is performed at a pressure of about 400 mm Hg or less.

Claim 15 (currently amended): The process of ~~claim 14~~ claim 20 wherein the distillation is performed at a pressure of about 80 mm Hg or less.

Claim 16 (currently amended): The process of ~~claim 10~~ claim 20 wherein the distillation is performed at a pressure of from about 30 to about 80 mm Hg.

Claim 17 (currently amended): A pharmaceutical composition comprising an amorphous form of ~~1-amino-3,5-dimethyltricyclo[3.3.1,1^{3,7}]decane hydrochloride (memantine hydrochloride)~~ memantine hydrochloride of claim 1 and pharmaceutically acceptable carrier, diluent, excipient, additive, filler, lubricant, solvent, binder or stabilizer.

Claim 18 (original): A pharmaceutical composition according to claim 17, in the form of a tablet, troche, powder, syrup, patch, liposome, injection, dispersion, suspension, solutions, capsule, cream, ointment or aerosol.

Claim 19 (cancelled):

Claim 20 (new): A process for preparing the amorphous form of memantine hydrochloride of claim 1, comprising the steps of dissolving memantine hydrochloride in alcohol solvent to form a solution, and removing the solvent by distillation under reduced pressure from the solution to afford the amorphous form of memantine hydrochloride of claim 1.